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6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9

10 LYCURGAN, INC., a California
corporation, d/b/a Ares Armor,

11 Plaintiff,

12 vs.

13 TODD JONES, in his official
14 capacity as Director of the
Bureau of Alcohol, Tobacco, Firearms
15 and Explosives.

16 Defendant.

CASE NO. 14cv1679 JLS BGS

9TH CIR. CASE NO.: 15-55228

AMENDED NOTICE OF APPEAL

17 Notice is hereby given that LYCURGAN, INC., a California corporation,
18 d/b/a Ares Armor ("Lycurgan"), plaintiff in the above entitled case, hereby appeals
19 to the United States Court of Appeals for the Ninth Circuit from the "Judgment in
20 a Civil Case" entered on December 17, 2014.

21 On January 14, 2015, Lycurgan filed a Notice of Motion for New trial. [ECF
22 25.]

23 On March 5, 2015, the Clerk of the Court of Appeal issued an order stating
24 as follows:

25 "The court's records reflect that the notice of appeal was filed during
26 the pendency of a timely filed motion listed in FRAP 4(a)(4). The
27 notice of appeal is therefore ineffective until entry of the order
28 disposing of the last such motion outstanding. Accordingly, appellate

proceedings other than mediation shall be held in abeyance pending the USDC's resolution of the pending motion. Within 7 days after the USDC's ruling on the pending motion, appellant shall notify the USCA in writing of the ruling and shall advise whether appellant intends to prosecute this appeal. To appeal the USDC's ruling on the post-judgment motion, appellant must file an amended notice of appeal within the time prescribed by FRAP 4. The Clerk shall serve this order on the USDC."

ECF 32.

On June 11, 2015 the District Court entered an order "Denying Plaintiff Lycurgan, Inc.'s Motion For New Trial; And (2) Granting Plaintiff Leave To File A First Amended Complaint: Plaintiff may file an amended complaint within 21 days of the date on which this order is electronically docketed." [ECF 33, attached as Exhibit 'A'.]

On July 1, 2015, Lycurgan filed its Verified Petition for Return of Property, and for Attorneys Fees; Demand for Jury Trial as an amended complaint. [ECF 34]

To the extent that an appeal lies, notice is hereby given that LYCURGAN, INC., a California corporation, hereby appeals the judgment and the order denying the new trial motion entered June 11, 2015.

Respectfully submitted,

The McMillan Law Firm, APC

/s/ Scott A. McMillan

Dated: July 12, 2015

 Scott A. McMillan
 Attorneys for Plaintiff
 Lycurgan, Inc. d/b/a Ares Armor
 Plaintiff

CERTIFICATE OF SERVICE

I, Scott A. McMillan, am a citizen of the United States, am over the age of eighteen, and not a party to the above entitled action. My business address is 4670 Nebo Drive, Suite 200, La Mesa, CA 91941-5230. I have caused service of the following documents:

- AMENDED NOTICE OF APPEAL

By Electronic Court Service, upon:

U S Attorney CV Efile.dkt.civ@usdoj.gov

Daniel Everett Butcher Daniel.Butcher@usdoj.gov, efile.dkt.civ@usdoj.gov, yvette.macias@usdoj.gov

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the date set forth below.

The McMillan Law Firm, APC

Dated: July 12, 2015

/s/ Scott A. McMillan

Scott A. McMillan
Attorneys for Plaintiff
Lycurgan, Inc.